

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION**

BRIANNE DRESSEN, <i>et al.</i> ,	§	
	§	
Plaintiffs,	§	
	§	
v.	§	Civil Action 3:23-cv-155
	§	
ROB FLAHERTY, White House Director	§	
of Digital Strategy, in his official capacity;	§	
<i>et al.</i> ,	§	
	§	
Defendants.	§	

Joint Status Report

The Government Defendants,¹ the individual-capacity Federal Defendants,² the Stanford Defendants, and Plaintiffs (collectively, “parties”) submit this Joint Status Report pursuant to the Court’s December 5, 2024, Order. ECF No. 52.

1. On May 22, 2023, Plaintiffs filed the Complaint in this action. *See* ECF No. 1. On October 25, 2023, this Court stayed all pretrial deadlines and proceedings until the Supreme Court sends down its judgement in *Murthy v. Missouri*. *See* ECF No. 36. The Supreme Court issued its decision in *Murthy v. Missouri*, 144 S. Ct. 1972 (2024), on June 26, 2024.

¹ “Government Defendants” are the Department of Health and Human Services, the Centers for Disease Control and Prevention, the Department of Homeland Security, and the Cybersecurity and Infrastructure Security Agency, as well as the following Defendants named in their official capacity: Joseph R. Biden, Jr.; Karine Jean-Pierre; Rob Flaherty; Andrew Slavitt; Dr. Vivek Murthy; Xavier Becerra; Carol Crawford; Alejandro Mayorkas; and Jen Easterly.

² Dr. Vivek Murthy, Xavier Becerra, Carol Crawford, Alejandro Mayorkas, Jen Easterly, and Andrew Slavitt in their individual-capacity only.

2. On July 22, 2024, the parties filed a joint motion for entry of a scheduling order and stay of discovery pending a resolution of Defendants' dispositive motions, *see* ECF No. 39, which was granted by the Court, *see* ECF No. 41.

3. On September 12, 2024, Plaintiffs filed their Amended Complaint. *See* ECF No. 42. In it, Plaintiffs added claims against certain Federal Defendants in their individual capacities, triggering response deadlines that differed from those formerly agreed to by the parties in their proposed scheduling order. *See* ECF No. 39.

4. In the interest of efficiency and to preserve party and judicial resources, Government Defendants filed an unopposed motion requesting that the Court vacate all pending deadlines until the individual-capacity defendants are adequately represented. ECF No. 43. The Government Defendants further proposed that the parties file a joint status report on November 4, 2024. *Id.*

5. The Court granted the Government Defendant's motion. ECF No. 44.

6. The November 4, 2024, report informed the Court that, at that time, most, but not all, individual-capacity defendants had been served, and not all individual-capacity defendants had obtained representation.³ The report also notified the Court that Plaintiffs intended to move for alternative methods of service due to their concerns that the few individual-capacity Defendants yet to be served were avoiding service.

³ As noted in the Government Defendants' earlier motion, the Department of Justice is not authorized to represent any person in their individual capacity until the process set out in 28 CFR 50.15 has been completed. *See* ECF No. 43. That process is required anytime a claim is brought against an individual federal officer or employee, and the process takes time to complete.

7. As of November 23, 2024, all individual defendants had been served other than Mr. Flaherty. Due to Plaintiffs' ongoing concerns that Mr. Flaherty was avoiding service, Plaintiffs moved for alternative methods of service. *See* ECF No. 49.

8. On November 25, 2024, the Court granted Plaintiffs' motion for alternative service, ECF No. 50, and Plaintiffs represent that they served Mr. Flaherty on November 27.

9. The December 4, 2024, report informed the Court that all individual-capacity Defendants had been served, and that all Defendants, except for Defendant Flaherty had obtained representation. ECF No. 51. In the report, Plaintiffs proposed a briefing schedule, while the Government Defendants and the Stanford Defendants proposed that the parties be given additional time to confer regarding a consolidated briefing schedule. *Id.* In the alternative, the Government Defendants and the Stanford Defendants proposed a separate briefing schedule. *Id.*

10. On December 5, 2024, the Court granted the Parties additional time to determine a consolidated briefing schedule, and ordered that the Parties file a joint status report on or before January 10, 2025, updating the court and proposing a schedule for further proceedings. ECF No. 52.

11. As of this filing, all Defendants except for Defendant Flaherty have obtained representation. The Department of Justice has recently completed its process under 28 CFR § 50.15 with respect to Mr. Flaherty, and it is the Government's understanding that Mr. Flaherty is currently securing counsel.

12. Counsel for all represented parties have conferred and propose the following briefing schedule:

- Defendants' answers/dispositive motions to the Amended Complaint:
February 27, 2025
- Plaintiffs' response to Defendants' dispositive motions: **April 3, 2025**
- Defendants' replies: **April 24, 2025**

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* *Motions for admission pro hac vice forthcoming*

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